

Ordinance No: 15-51
Zoning Text Amendment No: 05-07
Concerning: Country Inn Zone –
Clarification of building and parking
setbacks
Draft No. & Date: 1 – 3/24/05
Introduced: April 12, 2005
Public Hearing: June 14, 2005; 1:30 PM
Adopted: June 28, 2005
Effective: July 18, 2005

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Floreen, Knapp and Leventhal

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- clarifying building and parking setback requirements in the Country Inn Zone; and,
- authorizing the District Council to approve certain exceptions to the setback requirements for a parking facility existing at the time of reclassification to the Country Inn zone.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-4 “COMMERCIAL ZONES”
Section 59-C-4.39 “Country Inn Zone – Purpose and Development Standards”
Section 59-C-4.394 “Setbacks”
Section 59-C-4.397 “Off-street parking”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment No. 05-07 was introduced on April 12, 2005, to clarify the building and parking setback standards for development in the Country Inn zone. Under an earlier amendment (ZTA 03-22) the District Council was authorized to approve a setback less than 50 feet for any building and parking facility that existed on a site at the time of reclassification to the Country Inn zone. However, the authority to approve a setback reduction for an existing parking facility was codified only in Section 59-C-4.394 "Setbacks" and not in Section 59-C-4.397 "Off-Street Parking. ZTA 05-07 corrects this codification error.

The Montgomery County Planning Board in its report to the Council recommended that ZTA 05-07 be approved as introduced.

The County Council held a public hearing on July 9, 2002, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on June 20, 2005. The Committee supported approval of ZTA 05-07 and noted that the ZTA is not a material change to the Zoning Ordinance; it simply corrects a codification error.

The District Council reviewed Zoning Text Amendment No. 05-07 at a worksession held on June 28, 2005 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 05-07 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-C-4 is amended as follows:

DIVISION 59-C-4. COMMERCIAL ZONES.

* * *

59-C-4.39. Country Inn Zone – Purpose and development standards.

* * *

59-C-4.394. Setbacks.

* * *

(a) Minimum setback from any street – 50 feet, except that the District Council may approve a setback less than 50 feet for any building [and parking] existing on the site at the time of reclassification to the Country Inn zone, and for any addition or improvement to an existing building shown on the Development Plan.

(b) Minimum setback from any other boundary of the lot – 75 feet, except that the District Council may approve a setback less than 75 feet for any building [and parking] existing on the site at the time of reclassification to the Country Inn zone, and for any [addition or improvement] modification to an existing building shown on the Development Plan.

59-C-4.397. Off-street parking.

* * *

(b) **Design.** The design and location of [the] any parking [facilities shall] facility must [be such as to] minimize any adverse effect upon surrounding land and development, [including] and comply with the following requirements:

(1) No parking space is allowed within 25 feet of any street or highway, [nor] or within 50 feet of any other boundary of the lot; except that, the District Council may approve a setback less than 25 feet or 50 feet for any parking facility existing on the site at the time of reclassification to the Country Inn Zone and for any modification to an existing parking facility shown on the Development Plan.

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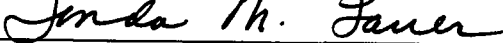
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29 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
30 date of Council adoption.

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32 This is a correct copy of Council action.

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35 Linda M. Lauer, Clerk of the Council